

REMARKS

This application contains claims 1 - 21. Claims 19 - 21 are newly added.

On 10 MAY 2002, Applicant's representative, Attorney John Yankovich (Reg. No. 42,240), under authorization of Attorney Paul D. Greeley (Reg. No. 31,019), held a teleconference with Examiner Jean Bolte Fleurantin. Applicant thanks Examiner Fleurantin for taking the time to participate in the teleconference.

During the teleconference, Attorney Yankovich and Examiner Fleurantin reviewed U.S. Patent No. 5,544,347 to Yanai et al. (hereinafter "the Yanai et al. patent") and discussed the independent claims of the present application, with particular attention given to claim 1. In light of the review and discussion, Examiner Fleurantin agreed that the Yanai et al. patent does not describe or suggest all of the elements of the independent claims of the present application.

In section 3 of the Office Action, the Examiner indicated that formal drawings are required in response to the Office Action. Accordingly, Applicant is submitting herewith a set of formal drawings.

In section 4 of the Office Action, claims 1 - 18 were rejected under 35 U.S.C. 103(a) as being unpatentable over the Yanai et al. patent. Applicant respectfully traverses this rejection on the grounds that the Yanai et al. patent neither describes nor suggests all of the elements of the claimed invention.

The Yanai et al. patent relates to a system and method for providing and maintaining a copy or mirror of a data storage disk on a secondary storage system, remote from a primary storage system (see Abstract and col. 1, lines 27 - 31). The system copies data from the primary data storage system to the secondary data storage system (col. 6, lines 16-20). Two modes of data transfer are described. The first mode is described at col. 6, lines 37 - 65, and the second mode is described at col. 6, line 66 - col. 7., line 13. The Yanai et al. patent also describes a technique where each of the primary and second storage systems maintains a list or table of the validity of data for itself as well as for the other storage system. Such a list or table is shown in Fig. 2, and described at col. 7, lines 32 - 65.

In the Action, the Examiner correctly notes that the Yanai et al. patent does not explicitly indicate determining a parameter indicative of demand for access to one of said copies of said log, and assigning the process to another of said copies of the log if said parameter has reached a threshold value, but the Examiner

expressed an opinion that such features are suggested in a passage at col. 3, lines 11 - 32. During the teleconference, the Examiner recognized that the cited passage describes the list or table that is maintained for data validity, as mentioned above, and the Examiner agreed that the cited passage, and moreover the Yanai et al. patent in full, neither describes nor suggests (a) determining a parameter indicative of demand for access to one of said copies of said log, or (b) assigning the process to another of said copies of the log if said parameter has reached a threshold value, as recited in claim 1. As such, Applicant respectfully submits that the Yanai et al. patent does not provide an adequate basis for a rejection of claim 1 under 35 U.S.C. 103(a).

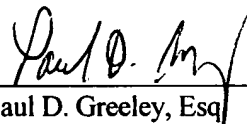
Examiner Fleurantin also recognized that the recitals of independent claims 7 and 13 are similar to that of claim 1. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the section 103(a) rejection of claims 1 - 18.

Applicant amended claim 13 to correct a typographical error. As such, Applicant respectfully submits that the amendment of claim 13 does not create prosecution history estoppel and the doctrine of equivalents is available for all of the elements of claim 13.

In view of the foregoing, Applicant respectfully submits that all claims presented in this application patentably distinguish over the prior art. Accordingly, Applicant respectfully requests favorable consideration and that this application be passed to allowance.

Respectfully submitted,

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Date


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VERSION MARKED TO SHOW CHANGES MADE

IN THE CLAIMS

Please amend the claims below to read as indicated herein.

13. (Amended) A computer system that enables improved access to data stored in a log of said computer's memory system, said memory system having multiple copies of said log comprising a primary log and a secondary log, each log storing data transactions with a database system stored on said memory system, the computer system further comprising:

- a) means for determining a parameter indicative of demand for access to one of said copies of said log; and
- ~~a~~b) logging means responsive to a process request for access to a log, by assigning the process to another of said copies of the log if said parameter has reached a threshold value.

Applicant added new claims 19 - 21, inclusive.